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PTO/SB/01 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	0008851-0002
		First Name Inventor	Small
COMPLETE IF KNOWN			
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)))		Application Number	09/919,146
		Filing Date	July 31, 20001
		Group Art Unit	TBA
		Examiner Name	TBA

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TOPICAL COMPOSITIONS AND METHODS FOR TREATING PAIN

the specification of which *(Title of the Invention)*

is attached hereto

OR

was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above:

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application	Foreign Filing Date	Priority	Certified Copy Attached?
YES	NO		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/303,671	July 6, 2001	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input type="checkbox"/> Customer Number or Bar Code Label	<input type="text"/>	OR <input checked="" type="checkbox"/> Correspondence address below
Name	Lewis Reff			
Address	Coudert Brother			
Address	1114 Avenue of the Americas			
City	New York	State	NY	ZIP 10036
Country	U.S.A.	Telephone	(212) 626-4187	Fax (212) 626-4120
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>				
NAME OF SOLE OR FIRST INVENTOR :		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Robert		Family Name or Surname	Small	
Inventor's Signature				Date 7-31-01
Residence: City	New York	State	NY	Citizenship U.S.A.
Mailing Address 121 E. 60th Street				
Mailing Address				
City New York		State NY	ZIP 10022	Country U.S.A.
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Inventor's Signature				Date
Residence: City	State	Country	Citizenship	
Mailing Address				
Mailing Address				
City		State	ZIP	Country
<input type="checkbox"/> Additional inventors are being named on _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.				

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

POWER OF ATTORNEY

Docket No. 0008851-0002

Inventor: **Robert Small**

Title: **TOPICAL COMPOSITIONS AND METHODS FOR TREATING PAIN**

Serial No., if any: **TBA 09/919,146**

Filed: **July 31, 2001**

TO THE ASSISTANT COMMISSIONER FOR PATENTS

The Assistant Commissioner for Patents
Washington, D.C. 20231

Honorable Sir:

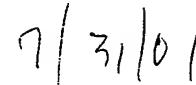
My name is Robert Small and I hereby appoint the individuals listed below as principal attorneys to handle the above-captioned application and to transact all business in the Patent and Trademark Office in connection therewith.

- | | |
|---|--|
| 1. J. Bruce McCubbrey, Reg. No. 20,687; | 11. Pepi Ross, Reg. No. 35,339; |
| 2. Donald L. Bartels, Reg. No. 28,282; | 12. Walter Scott, Reg. No. 30,588; and |
| 3. David Schnapf, Reg. No. 31,566; | 13. Thomas J. Parker, Reg. No. 42,062. |
| 4. Robert D. Becker, Reg. No. 37,778; | |
| 5. Richard A. Dannells, Jr., Reg. No. 22,654; | |
| 6. Loren H. McRoss, Reg. No. 40,427; | |
| 7. Patrick R. Jewik, Reg. No. 40,456; | |
| 8. Edward Vangieson, Reg. No. 44,386; | |
| 9. Martin S. Loui, Reg. No. 43,411; | |
| 10. Hal R. Yaeger, Reg. No. 35,419; | |

Please direct all future correspondence to:

**Thomas J. Parker
COUDERT BROTHERS
1114 Avenue of the Americas
New York, NY 10036**

By: 

Dated: 

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Dr. Robert Small
121 East 60th Street
New York, NY 10022

Additional names(s) of conveying party(ies) Yes No

3. Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____ | |

Execution Date: July 30, 2001

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: July 31, 2001

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Thomas J. Parker

Internal Address: _____

Coudert BrothersStreet Address: 1114 Avenue of the AmericasCity: New York State: NY ZIP: 100366. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$ 40.00 Enclosed - Any excess or insufficiency should be credited or debited to deposit account Authorized to be charged to deposit account

8. Deposit account number:

50-1434

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Thomas J. Parker

Name of Person Signing

Signature

Total number of pages including cover sheet, attachments, and document: 3

July 31, 2001

Date

**Assignment of Rights in Invention
(Sole inventor; single assignee)**

Docket No.
0008851-0002

Inventor	Residence of Inventor
Dr. Robert Small	121 East 60th Street New York, NY 10022
Assignee	Residence or Principal Place of Business of Assignee
Magic Herb Corporation	121 East 60th Street New York, NY 10022

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:

TOPICAL COMPOSITIONS AND METHODS FOR TREATING PAIN

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of One dollars (\$1.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged;

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;

**Assignment of Rights in Invention
(Sole inventor; single assignee)**

Docket No.
0008851-0002

Inventor	Residence of Inventor
Dr. Robert Small	121 East 60th Street New York, NY 10022
Assignee	Residence or Principal Place of Business of Assignee
Magic Herb Corporation	121 East 60th Street New York, NY 10022

And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.

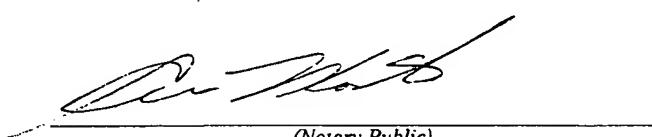
Executed this 30th day of July, in the year 2001
at


(Signature of Inventor)

State of New York

County of New York

Before me personally appeared Dr. Robert Small
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this 30th day of July, in the year 2001


(Notary Public)

ALMA MONTEB
Notary Public, State of New York
No. 31-4867857
Qualified In New York County
Commission Expires November 10, 2002